



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3628

Introduced 2/28/2007, by Rep. Jil Tracy - Jim Watson

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.3
30 ILCS 105/8h

from Ch. 127, par. 144.3

Amends the State Finance Act. Provides that no appropriations from the Road Fund may be made to the Secretary of State, any State agency, or the Court of Claims in FY08 or thereafter. Provides that no further transfers may be made from the Road Fund or the State Construction Account Fund to the General Revenue Fund. Effective immediately.

LRB095 10576 RCE 30797 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing
5 Sections 8.3 and 8h as follows:

6 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

7 Sec. 8.3. Money in the Road Fund shall, if and when the
8 State of Illinois incurs any bonded indebtedness for the
9 construction of permanent highways, be set aside and used for
10 the purpose of paying and discharging annually the principal
11 and interest on that bonded indebtedness then due and payable,
12 and for no other purpose. The surplus, if any, in the Road Fund
13 after the payment of principal and interest on that bonded
14 indebtedness then annually due shall be used as follows:

15 first -- to pay the cost of administration of Chapters
16 2 through 10 of the Illinois Vehicle Code, except the cost
17 of administration of Articles I and II of Chapter 3 of that
18 Code; and

19 secondly -- for expenses of the Department of
20 Transportation for construction, reconstruction,
21 improvement, repair, maintenance, operation, and
22 administration of highways in accordance with the
23 provisions of laws relating thereto, or for any purpose

1 related or incident to and connected therewith, including
2 the separation of grades of those highways with railroads
3 and with highways and including the payment of awards made
4 by the Illinois Workers' Compensation Commission under the
5 terms of the Workers' Compensation Act or Workers'
6 Occupational Diseases Act for injury or death of an
7 employee of the Division of Highways in the Department of
8 Transportation; or for the acquisition of land and the
9 erection of buildings for highway purposes, including the
10 acquisition of highway right-of-way or for investigations
11 to determine the reasonably anticipated future highway
12 needs; or for making of surveys, plans, specifications and
13 estimates for and in the construction and maintenance of
14 flight strips and of highways necessary to provide access
15 to military and naval reservations, to defense industries
16 and defense-industry sites, and to the sources of raw
17 materials and for replacing existing highways and highway
18 connections shut off from general public use at military
19 and naval reservations and defense-industry sites, or for
20 the purchase of right-of-way, except that the State shall
21 be reimbursed in full for any expense incurred in building
22 the flight strips; or for the operating and maintaining of
23 highway garages; or for patrolling and policing the public
24 highways and conserving the peace; or for the operating
25 expenses of the Department relating to the administration
26 of public transportation programs; or for any of those

1 purposes or any other purpose that may be provided by law.

2 Appropriations for any of those purposes are payable from
3 the Road Fund. Appropriations may also be made from the Road
4 Fund for the administrative expenses of any State agency that
5 are related to motor vehicles or arise from the use of motor
6 vehicles.

7 Beginning with fiscal year 1980 and thereafter, no Road
8 Fund monies shall be appropriated to the following Departments
9 or agencies of State government for administration, grants, or
10 operations; but this limitation is not a restriction upon
11 appropriating for those purposes any Road Fund monies that are
12 eligible for federal reimbursement;

13 1. Department of Public Health;

14 2. Department of Transportation, only with respect to
15 subsidies for one-half fare Student Transportation and
16 Reduced Fare for Elderly;

17 3. Department of Central Management Services, except
18 for expenditures incurred for group insurance premiums of
19 appropriate personnel;

20 4. Judicial Systems and Agencies.

21 Beginning with fiscal year 1981 and thereafter, no Road
22 Fund monies shall be appropriated to the following Departments
23 or agencies of State government for administration, grants, or
24 operations; but this limitation is not a restriction upon
25 appropriating for those purposes any Road Fund monies that are
26 eligible for federal reimbursement:

1 1. Department of State Police, except for expenditures
2 with respect to the Division of Operations;

3 2. Department of Transportation, only with respect to
4 Intercity Rail Subsidies and Rail Freight Services.

5 Beginning with fiscal year 1982 and thereafter, no Road
6 Fund monies shall be appropriated to the following Departments
7 or agencies of State government for administration, grants, or
8 operations; but this limitation is not a restriction upon
9 appropriating for those purposes any Road Fund monies that are
10 eligible for federal reimbursement: Department of Central
11 Management Services, except for awards made by the Illinois
12 Workers' Compensation Commission under the terms of the
13 Workers' Compensation Act or Workers' Occupational Diseases
14 Act for injury or death of an employee of the Division of
15 Highways in the Department of Transportation.

16 Beginning with fiscal year 1984 and thereafter, no Road
17 Fund monies shall be appropriated to the following Departments
18 or agencies of State government for administration, grants, or
19 operations; but this limitation is not a restriction upon
20 appropriating for those purposes any Road Fund monies that are
21 eligible for federal reimbursement:

22 1. Department of State Police, except not more than 40%
23 of the funds appropriated for the Division of Operations;

24 2. State Officers.

25 Beginning with fiscal year 1984 and thereafter, no Road
26 Fund monies shall be appropriated to any Department or agency

1 of State government for administration, grants, or operations
2 except as provided hereafter; but this limitation is not a
3 restriction upon appropriating for those purposes any Road Fund
4 monies that are eligible for federal reimbursement. It shall
5 not be lawful to circumvent the above appropriation limitations
6 by governmental reorganization or other methods.
7 Appropriations shall be made from the Road Fund only in
8 accordance with the provisions of this Section.

9 Money in the Road Fund shall, if and when the State of
10 Illinois incurs any bonded indebtedness for the construction of
11 permanent highways, be set aside and used for the purpose of
12 paying and discharging during each fiscal year the principal
13 and interest on that bonded indebtedness as it becomes due and
14 payable as provided in the Transportation Bond Act, and for no
15 other purpose. The surplus, if any, in the Road Fund after the
16 payment of principal and interest on that bonded indebtedness
17 then annually due shall be used as follows:

18 first -- to pay the cost of administration of Chapters
19 2 through 10 of the Illinois Vehicle Code; and

20 secondly -- no Road Fund monies derived from fees,
21 excises, or license taxes relating to registration,
22 operation and use of vehicles on public highways or to
23 fuels used for the propulsion of those vehicles, shall be
24 appropriated or expended other than for costs of
25 administering the laws imposing those fees, excises, and
26 license taxes, statutory refunds and adjustments allowed

1 thereunder, administrative costs of the Department of
2 Transportation, including, but not limited to, the
3 operating expenses of the Department relating to the
4 administration of public transportation programs, payment
5 of debts and liabilities incurred in construction and
6 reconstruction of public highways and bridges, acquisition
7 of rights-of-way for and the cost of construction,
8 reconstruction, maintenance, repair, and operation of
9 public highways and bridges under the direction and
10 supervision of the State, political subdivision, or
11 municipality collecting those monies, and the costs for
12 patrolling and policing the public highways (by State,
13 political subdivision, or municipality collecting that
14 money) for enforcement of traffic laws. The separation of
15 grades of such highways with railroads and costs associated
16 with protection of at-grade highway and railroad crossing
17 shall also be permissible.

18 Appropriations for any of such purposes are payable from
19 the Road Fund or the Grade Crossing Protection Fund as provided
20 in Section 8 of the Motor Fuel Tax Law.

21 Except as provided in this paragraph, beginning with fiscal
22 year 1991 and thereafter, no Road Fund monies shall be
23 appropriated to the Department of State Police for the purposes
24 of this Section in excess of its total fiscal year 1990 Road
25 Fund appropriations for those purposes unless otherwise
26 provided in Section 5g of this Act. For fiscal years 2003,

1 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
2 appropriated to the Department of State Police for the purposes
3 of this Section in excess of \$97,310,000. It shall not be
4 lawful to circumvent this limitation on appropriations by
5 governmental reorganization or other methods unless otherwise
6 provided in Section 5g of this Act.

7 In fiscal year 1994, no Road Fund monies shall be
8 appropriated to the Secretary of State for the purposes of this
9 Section in excess of the total fiscal year 1991 Road Fund
10 appropriations to the Secretary of State for those purposes,
11 plus \$9,800,000. It shall not be lawful to circumvent this
12 limitation on appropriations by governmental reorganization or
13 other method.

14 Beginning with fiscal year 1995 and thereafter, no Road
15 Fund monies shall be appropriated to the Secretary of State for
16 the purposes of this Section in excess of the total fiscal year
17 1994 Road Fund appropriations to the Secretary of State for
18 those purposes. It shall not be lawful to circumvent this
19 limitation on appropriations by governmental reorganization or
20 other methods.

21 Beginning with fiscal year 2000, total Road Fund
22 appropriations to the Secretary of State for the purposes of
23 this Section shall not exceed the amounts specified for the
24 following fiscal years:

25	Fiscal Year 2000	\$80,500,000;
26	Fiscal Year 2001	\$80,500,000;

1	Fiscal Year 2002	\$80,500,000;
2	Fiscal Year 2003	\$130,500,000;
3	Fiscal Year 2004	\$130,500,000;
4	Fiscal Year 2005	\$130,500,000;
5	Fiscal Year 2006	\$130,500,000;
6	Fiscal Year 2007	\$130,500,000;
7	Fiscal Year 2008 and	
8	each year thereafter	<u>\$0</u> \$30,500,000.

9 It shall not be lawful to circumvent this limitation on
10 appropriations by governmental reorganization or other
11 methods.

12 No new program may be initiated in fiscal year 1991 and
13 thereafter that is not consistent with the limitations imposed
14 by this Section for fiscal year 1984 and thereafter, insofar as
15 appropriation of Road Fund monies is concerned.

16 Nothing in this Section prohibits transfers from the Road
17 Fund to the State Construction Account Fund under Section 5e of
18 this Act; nor to the General Revenue Fund, as authorized by
19 this amendatory Act of the 93rd General Assembly.

20 The additional amounts authorized for expenditure in this
21 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
22 shall be repaid to the Road Fund from the General Revenue Fund
23 in the next succeeding fiscal year that the General Revenue
24 Fund has a positive budgetary balance, as determined by
25 generally accepted accounting principles applicable to
26 government.

1 Beginning with fiscal year 2008 and thereafter, no Road
2 Fund moneys may be appropriated to the Department of Central
3 Management Services, the Department of Employment Security,
4 the Department of Revenue, the Court of Claims, or any other
5 State agency (other than the Department of State Police and the
6 Department of Transportation and, until fiscal year 2008, the
7 Secretary of State) for the purposes of this Section.
8 Appropriations to those entities for those purposes shall,
9 instead, be made from the General Revenue Fund. It shall not be
10 lawful to circumvent this limitation on appropriations by
11 governmental reorganization or other methods. Nothing in this
12 paragraph prohibits appropriations from the Road Fund to the
13 Department of State Police for the purposes of the highway
14 patrol budget only.

15 Beginning with fiscal year 2008 and thereafter, no Road
16 Fund moneys may be appropriated to the Secretary of State for
17 the purposes of this Section. Appropriations to the Secretary
18 of State for those purposes shall, instead, be made from the
19 General Revenue Fund. It shall not be lawful to circumvent this
20 limitation on appropriations by governmental reorganization or
21 other methods.

22 The additional amounts authorized for expenditure by the
23 Secretary of State and the Department of State Police in this
24 Section by this amendatory Act of the 94th General Assembly
25 shall be repaid to the Road Fund from the General Revenue Fund
26 in the next succeeding fiscal year that the General Revenue

1 Fund has a positive budgetary balance, as determined by
2 generally accepted accounting principles applicable to
3 government.

4 (Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-839,
5 eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

6 (30 ILCS 105/8h)

7 Sec. 8h. Transfers to General Revenue Fund.

8 (a) Except as otherwise provided in this Section and
9 Section 8n of this Act, and ~~(c), (d), or (e)~~, notwithstanding
10 any other State law to the contrary, the Governor may, through
11 June 30, 2007, from time to time direct the State Treasurer and
12 Comptroller to transfer a specified sum from any fund held by
13 the State Treasurer to the General Revenue Fund in order to
14 help defray the State's operating costs for the fiscal year.
15 The total transfer under this Section from any fund in any
16 fiscal year shall not exceed the lesser of (i) 8% of the
17 revenues to be deposited into the fund during that fiscal year
18 or (ii) an amount that leaves a remaining fund balance of 25%
19 of the July 1 fund balance of that fiscal year. In fiscal year
20 2005 only, prior to calculating the July 1, 2004 final
21 balances, the Governor may calculate and direct the State
22 Treasurer with the Comptroller to transfer additional amounts
23 determined by applying the formula authorized in Public Act
24 93-839 to the funds balances on July 1, 2003. No transfer may
25 be made from a fund under this Section that would have the

1 effect of reducing the available balance in the fund to an
2 amount less than the amount remaining unexpended and unreserved
3 from the total appropriation from that fund estimated to be
4 expended for that fiscal year. This Section does not apply to
5 any funds that are restricted by federal law to a specific use,
6 to any funds in the Motor Fuel Tax Fund, the Intercity
7 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
8 Provider Relief Fund, the Teacher Health Insurance Security
9 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
10 the Voters' Guide Fund, the Foreign Language Interpreter Fund,
11 the Lawyers' Assistance Program Fund, the Supreme Court Federal
12 Projects Fund, the Supreme Court Special State Projects Fund,
13 the Supplemental Low-Income Energy Assistance Fund, the Good
14 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste
15 Facility Development and Operation Fund, the Horse Racing
16 Equity Trust Fund, or the Hospital Basic Services Preservation
17 Fund, or to any funds to which subsection (f) of Section 20-40
18 of the Nursing and Advanced Practice Nursing Act applies. No
19 transfers may be made under this Section from the Pet
20 Population Control Fund. Notwithstanding any other provision
21 of this Section, for fiscal year 2004, the total transfer under
22 this Section from the Road Fund or the State Construction
23 Account Fund shall not exceed the lesser of (i) 5% of the
24 revenues to be deposited into the fund during that fiscal year
25 or (ii) 25% of the beginning balance in the fund. For fiscal
26 year 2005 through fiscal year 2007, no amounts may be

1 transferred under this Section from the Road Fund, the State
2 Construction Account Fund, the Criminal Justice Information
3 Systems Trust Fund, the Wireless Service Emergency Fund, or the
4 Mandatory Arbitration Fund. No transfers may be made under this
5 Section from the Road Fund or the State Construction Account
6 Fund on or after the effective date of this amendatory Act of
7 the 95th General Assembly.

8 In determining the available balance in a fund, the
9 Governor may include receipts, transfers into the fund, and
10 other resources anticipated to be available in the fund in that
11 fiscal year.

12 The State Treasurer and Comptroller shall transfer the
13 amounts designated under this Section as soon as may be
14 practicable after receiving the direction to transfer from the
15 Governor.

16 (a-5) Transfers directed to be made under this Section on
17 or before February 28, 2006 that are still pending on May 19,
18 2006 (the effective date of Public Act 94-774) ~~this amendatory~~
19 ~~Act of the 94th General Assembly~~ shall be redirected as
20 provided in Section 8n of this Act.

21 (b) This Section does not apply to: (i) the Ticket For The
22 Cure Fund; (ii) any fund established under the Community Senior
23 Services and Resources Act; or (iii) on or after January 1,
24 2006 (the effective date of Public Act 94-511), the Child Labor
25 and Day and Temporary Labor Enforcement Fund.

26 (c) This Section does not apply to the Demutualization

1 Trust Fund established under the Uniform Disposition of
2 Unclaimed Property Act.

3 (d) This Section does not apply to moneys set aside in the
4 Illinois State Podiatric Disciplinary Fund for podiatric
5 scholarships and residency programs under the Podiatric
6 Scholarship and Residency Act.

7 (e) Subsection (a) does not apply to, and no transfer may
8 be made under this Section from, the Pension Stabilization
9 Fund.

10 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
11 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
12 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
13 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
14 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
15 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
16 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.
17 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,
18 eff. 6-6-06; revised 6-19-06.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.